

AMENDED IN SENATE JANUARY 5, 2004

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 952

Introduced by Senator Perata

February 21, 2003

An act to add Section 65852.12 to the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 952, as amended, Perata. Zoning: tax-exempt organizations.

The Planning and Zoning Law authorizes the legislative body of a city or county to adopt zoning ordinances or regulations that regulate the use of land as between, among other things, business, residences, open space, recreation, and other purposes.

~~This bill would prohibit a local agency from enacting or enforcing any ordinance, regulation, or resolution that would prohibit the conduct of, or require a use permit for, events held on property zoned for residential use by specified tax-exempt organizations that charge admission or ask a donation.~~

This bill would require a city, county, or city and county to consider the use of residentially zoned property for fundraising purposes by a nonprofit or charitable organization exempt from taxation, as specified, to be a normally accessory use of that property as a matter of right.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.12 is added to the Government Code, to read:

~~65852.12. No local agency may enact or enforce any ordinance, regulation, or resolution that would prohibit the conduct of, or require a use permit for, an event for which admission is charged or donations accepted to raise funds for a private, nonprofit organization that is exempt from taxation pursuant to Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code, on property that is zoned for residential use.~~

65852.12. (a) *The use of residentially zoned property in any city, county, or city and county for fundraising purposes connected with a nonprofit or charitable organization that is exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4) of the United States Internal Revenue Code shall be considered a normally accessory use of that property, and shall be allowed as a matter of right.*

(b) *A fundraising activity on private property is considered a permitted use in a residential district but remains subject to the same nuisance, noise, and other public safety regulations that currently apply to any property owner in a residential zone.*